

REMARKS

Claims 1, 5 and 7-11, 13-16 and 19 remain pending in the present application. Claims 2-4, 6, 12, 17-18 have been cancelled. Claims 1, 10, and 13 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

CLAIM REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner has rejected Claims 13 and 14 under 35 U.S.C. §112, second paragraph, alleging them to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended Claim 13 in an attempt to overcome the Examiner's 35 U.S.C. §112 rejection.

In light of the amendments, Applicant believes the claims to overcome the 35 U.S.C. §112 rejection and respectfully request withdrawal of the same.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The Examiner has rejected Claim 10 under 35 U.S.C. §102(b) as being anticipated by Chiu (U.S. Patent No. 5,110,263).

Applicant has amended Claim 10 to include Claim 18. The Examiner has previously indicated that Claim 18 is allowable. Accordingly, Applicant believes Claim 10 to be allowable and respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected Claims 1, 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over Fan-Tastic Vent Model 4000R brochure in view of the Applicant's earlier patent (U.S. Patent No. 4,633,769).

Claim 1 has been amended to define a self standing housing assembly which includes the 12 volt direct current motor and fan blade. Also, an electrical connector and device is coupled with the motor. The electrical connection device is for coupling with a socket in a motor vehicle.

The 4000R circulation device and '769 patent fail to disclose or suggest Applicants' claims. Both the 4000R as well as the '769 patent require that they be secured in an opening in a vehicle. In fact, both have extensive bezels which attach to the ceiling of a motor vehicle. Additionally, both have covers or tops which are meant to be retracted if rain occurs. This is further indicated by the rain sensor illustrated in Figure 4 of the '769 patent which closes the top upon sensing of precipitation. Thus, the references teach away from a liquid contact and fail to disclose a self-standing housing assembly as claimed by Applicant. Further, these devices do not illustrate any type of mechanism for electrically coupling the self standing fan with a socket of a motor vehicle. Thus, one skilled in the art would not look to this combination to apply it to Applicant's claims.

Accordingly, Applicant believes Claim 1 to be patentably distinct over the art cited by the Examiner. Likewise, Claim 7, which depends from Claim 1, is patentably distinct over the Examiner's combination.

The Examiner has rejected Claim 5 in view of the above further in view of Schmider (U.S. Patent No. 5,109,171). The Schmider reference cited by the Examiner fails to overcome the deficiencies of the above combination. Thus, Applicant believes Claim 5 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 1, 2, 7, 8, 11, 13, 14, 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Chiu in view of the Model 4000R as well as Applicant's previously patent, U.S. Patent No. 4,633,769.

The Examiner indicates that one skilled in the art would combine these references to render Applicant's invention obvious.

The Chiu reference fails to disclose or suggest any type of mechanism for positioning the fan in a motor vehicle. The Chiu reference is a normal 110 volt A/C fan and does not disclose any modification to make it a 12 volt direct current fan. Accordingly, only through the Examiner's hindsight reconstruction would one combine the Chiu fan with Applicant's previous patent and the 4000R disclosure. Both the 4000R disclosure as well as the '769 patent illustrate a cover which closes upon the sensing of precipitation. Clearly, these references teach away from the liquid impermeable casing being subject to liquid for cleaning the fan blades.

The Examiner is picking and choosing among isolated elements in an attempt to deprecate the Applicant's invention. The Examiner picks one feature from one reference and one feature from the other reference and attempts to combine them with the Chiu reference. The Examiner then totally discards the remainder of the 4000R and '769 references. By doing so, the Examiner is reconstructing, via hindsight, Applicant's claims. The Examiner has provided no reasoning as to why one skilled in the art would

combine the references as he has suggested. The Examiner has only combined the references after using Applicant's claimed device as a template. Applicant submits that this is an improper rejection under 35 U.S.C. 103.

Accordingly, Applicant believes Claim 1, as well as dependent Claims 5 and 7-9, to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 1, 2007

By: 

W. R. Duke Taylor
Reg. No. 31,306

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

WRDT/lkj